

(1)

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## UNITED STATES DISTRICT COURT

for the  
Middle District of Pennsylvania

Division

Case No.

1:19-CV-1658

(to be filled in by the Clerk's Office)

JOHN J. BARLOCK (JR)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

"See attached"

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

FILED  
SCRANTON

SEP 25 2019

PER RF  
DEPUTY CLERKCOMPLAINT FOR VIOLATION OF CIVIL RIGHTS  
(Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

United States District Court  
for the  
Middle District of Pennsylvania

"See attached"

\* Defendant(s) \*

- ① WARDEN E. BRADLEY
- ② A.W. ECKERT
- ③ CAPTAIN J. BERKSHER
- ④ DR. NORCROSS
- ⑤ PA WALTERS
- ⑥ DR MOWATT
- ⑦ LT HELMS
- ⑧ LT ROSLARE
- ⑨ LT WEAVER
- ⑩ CO C. VRABEL
- ⑪ CO BESTEN
- ⑫ CO K. KLINGER
- ⑬ CO PORTER
- ⑭ CO K. MCCARTHY
- ⑮ CO J. ROMAN
- ⑯ CO B. PRICE
- ⑰ CO. A. BURGH
- ⑱ CO S. LAMBERT
- ⑲ CO FULLER
- ⑳ CO J. KUDEY
- ㉑ UNIT MANAGER JOHNSON
- ㉒ CASE MANAGER FARRARAH
- ㉓ COUNSLER OLVER

Attachment 1

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

JOHN J. BARNOCKY JR.

All other names by which  
you have been known:

ID Number

26173-057

Current Institution

VSP Canaan

Address

3057 Eric J. Williams Memorial Dr.

Waymart

PA

18472

City

State

Zip Code

**B. The Defendant(s)**

"See Attached" 2nd Attachment

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name

E. BRADLEY

Job or Title (if known)

Warden

Shield Number

Employer

F.B.O.P.

Address

Same as above

City

State

Zip Code



Individual capacity



Official capacity

**Defendant No. 2**

Name

Mr. ECKERT

Job or Title (if known)

Assistant Warden

Shield Number

Employer

F.B.O.P.

Address

Same as above

City

State

Zip Code



Individual capacity



Official capacity

## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

J. BERKINSHER

Captain

F.B.O.P.

" Same as above "

City

State

Zip Code



Individual capacity



Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

Dr. NOR CROSS

Psychologist

F.B.O.P.

" Same as above "

City

State

Zip Code



Individual capacity



Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

## A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

## B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

First and Eighth Amendment Rights,  
 Right to proper Medical Care, Right to be Free  
 from Threats against my life & safety from Guards,  
 Right to use the Law Library and have Legal Books,  
 Right to use the phone, Right to get Hygiene Supplies



2nd Attachment

B. \* Attachment\* the Defendant(s)

- All Defendants being sued in their Individual and official Capacity.

- All Addresses are the same.

3057 ERIC J. Williams Memorial Dr. Waymart, Pa. 18472

- All Employer is the same, F.B.O.P.

No. 5 - Name - Mrs. WALTERS

Job Title PHYSICIANS ASSISTANT

No. 6 - Name - DR MONATT

Job Title - USP CANAAN Doctor

No. 7, 8, 9 - Job Title - LIEUTENANTS

.7 - NAME - HELMS .8 - NAME - ROSLARE

.9 - NAME - WEAVER

No. 10 - 20 - Job Title - Correctional Officers -

.10 - NAME - C. VRABEL .11 - NAME - BESTEN

.12 - NAME - K. KLINGER .13 - NAME - PORTER

.14 - NAME - K. MCCARTHY .15 - NAME - J. ROMAN

.16 - NAME - B. PRICE .17 - NAME - A. BURGH

.18 - NAME - S. LAMBERT .19 - NAME - FULLER

.20 - NAME - J. KUDEY

No. 21 - 23 - IS Unit TEAM

.21 - NAME - JOHNSON

Job Title - Unit MANAGER

.22 - NAME - FARRARAH

Job Title - Case Manager

.23 - NAME - DIVER

Job Title - Counselor

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

N/A

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee  
☐ Civilly committed detainee  
☐ Immigration detainee  
☐ Convicted and sentenced state prisoner  
☒ Convicted and sentenced federal prisoner  
☐ Other (explain) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

N/A

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

"See Attached 3rd Attachment"

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C. What date and approximate time did the events giving rise to your claim(s) occur?

"See Attached" 3<sup>rd</sup> Attachment

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

"See Attached" 4<sup>th</sup> 5<sup>th</sup> 6<sup>th</sup> 7<sup>th</sup> 8<sup>th</sup> 12<sup>th</sup> Attachment

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Claim 7 - On 4.22.19 I was taken to Medical observation for suicide watch. (on camera) CO PORTER put the Handcuffs/Restraints Extra tight and Hurt my left wrist, with no medical attention or record or photos! My Left wrist Hurts still!

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

"See Attached" 8<sup>th</sup> Attachment



3rd Attachment

## IV. Statement of Claim - B. &amp; C.

B. Where &amp; When

C. Date &amp; Time

All CLAIMS - USP Canada SHU

- claim 1 3-5-19 - after 4pm count (on-camera)
- claim 2 3-6-19 - early am (on-camera)
- claim 3 3-20-19 - 6-8 pm (on-camera)
- claim 4 3-27-19 - (on-camera)
- claim 5 4-14-19 - (on-camera)
- claim 6 4-18-19 - 6-8 pm (on-camera)
- claim 7 4-22-24-19 - Day watch (on-camera)
- claim 8 5-9-19 - after dinner (subpoenaed phone call)
- claim 9 6-19, 20-19 - 9pm count (on-camera)
- claim 10 7-4-19 - Day watch (on-camera)
- claim 11 7-19, 20-19 - 2 pm (on-camera)
- claim 12 7-30-19 - early am (on-camera)
- claim 13 8-7-19 - walk-thru (on-camera)
- claim 14 8-10-19 - (on-camera)
- claim 15 8-16-19 - early am (on-camera)
- claim 16 8-23, 24-19 - 2-4 pm (on-camera)
- claim 17 8-28-19 - after dinner (subpoenaed phone call)
- claim 18 Every commissary day - Sales of Bob Barker  
Indigent Soap & Deoderant, Giving  
our Magazine Subscriptions to the SHU  
orderly to read instead of putting them  
in our Property!



4th AttachmentIV. Statement of Claim - D.

claim 1 - On 3.5.19, I was called out of commissary to ~~see~~ see Psychology, there I saw Dr. Norcross, and she said, I must go to pill line and take my medication, because E-2 Unit officers say I was acting wierd? I stopped taking my meds. and the C.O.'s didn't like I am white in a Black car.

Why would I be forced to take medication?

When I went back to the unit, I put my commissary up. I just bought Steph Curry Basketball sneakers, and then about 20 C.O.'s came and escorted me to the Lt.'s office, no one knew what was going on! Strangely I saw Dr. Norcross there, then the alarm rang and a fight took place. I was sick, coughing and couldn't breathe, I was told I'd be seen by medical in SHU. Once in SHU I was being taken to the cell, Z-204, and C.O. Burgh was standing there (on-camera), I explained, I can't breathe I need to see medical, C.O. A. Burgh said, "I'm going to smash your head against the wall and then you'll really need Medical!"

Then he took me to a holding cage. Witnesses - Larry D. Silmon #25009-075, Jalil Williams #08901-028, Jervon Z. Williams.

claim 6 - 4.18.19 - After I wrote a Bp-8 and Bp-9 (signed by WARDEN E. BRADLEY) (Exhausting my Administrative Remedies) Explaining how I fear my life is in danger, (on-camera) A. Burgh came in cell Z-203 and took the 8 & 9 so I couldn't follow thru with the PLRA procedure.

5th Attachment

Claim 2 - 3.6.19 - (on-camera) C.O. C. VRABEL and C.O.

Porter called me a Fag, Cho-Mo, put us in paper clothes, violating F.B.O.P. Program Statement 541.31(c) and was seen by Medical, given steroids for possible Pneumonia. - (See medical Records)

claim 3 - 3.20.19 - (on-camera) C.O. J. ROMAN and C.O.

S. Lambert - Tore towel, Trashed Property (22.41 Motion) All my Criminal case Documents, Personal Books, stamps, shower shoes (with receipts), put in paper, with witnesses: Jalil Williams, Larry D. Simon, Jevon Z. Williams. LT HELMS said he's going to stop the

claim 4 3 - 27-19 put in paper - Changed diet to Common Fare - got sick - Fear of being poisoned (on-camera) witness Larry D. Simon

claim 5 4-14-19 - (on-camera) put in paper

Lt. ROSLARE, property Trashed - Legal Work personal books, stamps, Shower shoes (receipts)

claim 6 - See Claim 1

claim 7 - See Section V. Injuries (on-camera)

claim 8 - 5.9.19 - (subpoenaed phone call)

claim 9 - 6.19, 20.19 - J. Roman & K. McCarthy opened Sealed Legal Mail stopped at cell

& told my celly to Read my mail, Also Told Dr. Vogt - Psychology - I was talking about him? Dr. Vogt is a witness to all these claims.



6th Attachment

claim 10 - 7-4-19 (on-camera) C.O.'s C. VRABEL, T. KUDEY, Besten and Fuller pulled my celly Jayson Nez # 80202-008 and I out to SHU Holding cages, C.O.C. VRABEL had paperwork, he said was my P.S.I., said it says I am a sex offender? I've never ever been charged or convicted of a sex offense! They bribed Mr. Nez to assault me! Put us in paper clothes and threw a Giant Penis on the wall.

claim 11 - 7-19, 20-19 - (on-camera) - CO B. PRICE, K. McCarthy, S. Lambert refused me hygiene supplies. 2-113

claim 12 - 7-30-19 - (on-camera) C.O.'s K. Klinger, Fuller said, "let's go mess with Big Mouth Barnocky.com". Took my property, Shower shoes (with receipts) stamps, Personal Books, Family photos, Legal Documents, 4 Manuscript: 1.) Memoir: Life in a Nuts' shell © and a Trilogy/ Novels: Betrayal ©, Knights ©, Ghost © that I'm writing and getting published!

claim 13 - 8-7-19 (on-camera) - walk-thru, gave S.T.S. Mrs. Bodge Bp-8's & Letter about violations C.O.'s are doing. Because Consler Oliver never came to see me or take Bp-8's.

claim 14 - 8-10-19 - (on-camera) Gave Chaplin complaints about C.O. refusing me the phone and I haven't spoke to my mother Julie Barnocky my Emergency Contact in 3 months. So he called her for me 8-16-19 (subpoenaed phone call)

Also Diet was changed to common Fare because I had to throw away. Poisoning my food!



7th Attachment

claim 15 8.16.19 - (on-camera) PA Walters came by Z-112 and I told her I'm concerned about my medication being stopped, and have repeatedly wrote sick-calls about my pain and medications! Never got a solid answer! Also E-1 counsler Mrs. Brandenburg told me she will bring my Bp-8's & a 9 to me, she never did.

claim 16 8.23, 24.19 - (on-camera) with witnesses Frankie Begiraj # 79191-054 and Turhan F. Jessamy # 65255-054 C.O. B. PRICE refused me Hygiene supplies, said "OH BARNOCKY, you trying to sue me, you ain't got shit coming", I read your mail I know everything. That mail was sealed - Legal Mail!

claim 17 8.28.19 - (on-camera) with witnesses Mr. Begiraj and Jessamy, C.O.'s K. McCarthy and J. Roman refused me the phone. C.O. K. McCarthy said, he's scared I would say his name, if he gave it to me! ? -  
(subpoenaed phone call)!

claim 18 How Does USP Canaan Sell Bob Barker Indigent soap and Deoderandt on SHU Commissary, and why do they give our Magazine Subscriptions to the SHU orderly to read, instead of putting them in our property?

8th AttachmentVI. Relief

All the claims here within are

Specific times and dates that the officers violated my Prisoner's Constitutional Rights, that I chose to keep track of, over 6 months, of stress, Harassment, Fear for my life & safety, Physical pain, Being refused the Phone to call my 72 year old Mother who has Leukimia and Diabetes, Hoping to file a 2241 motion for Immediate Release thru U.S. vs. Davis, then the officers throwing it away in the trash, trashing my Family photos Deceased Grandmother, Brother (Barnocky.com), nephew and sister-in-law. Personal Books, Stamps, and most important to me my Manuscripts. Being refused the Law Library, Hygiene, razors, clothing exchange. Also bad/wrong medical care. I'm requesting Medical Records for the Law Suit! This is the tip of the Ice-berg. For my safety I want to be Transferred and I want a legal name change immediately. the officers threatened my Life and my Family's! I am requesting money damages of \$500,000.00, with all the time involved with the suit, the witnesses - Defendants and their Violations, Attorney's Fees, Loss of priceless Manuscripts and Family photos. Doctors involvement for sales of Bob Barker soap.



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**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

USP CANAAN  
3051 Eric T. Williams Memorial Dr.  
Waymart, Pa. 18472

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

Life being threatened by C.C.S.,  
Food being poisoned, Name slandered, Property  
thrown out, Prisoners kicked to assault other prisoners,  
Being refused Hygiene, kept in paper clothes,  
written false incident reports,  
Refused the phone & Library,  
Legal Mail opened and read!



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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

In SHV thru  
Unit Team - Unit Manager Johnson  
E-1 Counsler Mrs. Brandenburg

2. What did you claim in your grievance?

All violations mentioned  
in part (C) of part VII.  
(Previous page)

3. What was the result, if any?

Nothing Really. However 1 time  
Warden E. Bradley responded to a BP-9 only to  
have CO A-Burgh do a cell search on 4.18.19  
(on-camera) and took it. So I couldn't appeal!  
Never got 8's back or 7's for my 8's!

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I wrote to the North East Regional  
office and sent Federal Judge Thompson  
all my grievances.

And he said I had to go to court!

He has not only filed documents to  
go along with the suit!

## Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

## F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

N/A

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

N/A

## G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I did give SIS Dodge (on camera) 8.7.19 my BP-8 and request for BP-9's. I wrote BP-8's to E-1 advisors for Mrs. Brillenberg, never got em back. I wrote to the Captain, Lt. Dr. West - witness.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

## VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. N/A

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?



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☒ Yes☐ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

JOHN J. FARNOLLY JR.

Defendant(s)

Coleman IF Guard and Tucson Guards

2. Court (if federal court, name the district; if state court, name the county and State)

Coleman, Pinal, Tucson, AZ.

3. Docket or index number

Don't know

4. Name of Judge assigned to your case

Don't know

5. Approximate date of filing lawsuit

2018 1-10

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition

Don't know

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

The case was settled for \$100,000.00

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**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

9/14/19

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

John J. Barnock Jr.  
JOHN J. BARNOCK JR.  
26173-057  
USP CANAAN POB 300  
WAYMART PA 18472  
City State Zip Code

**B. For Attorneys**

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

